

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
October 1, 2004

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 1, 2004 from 12:00 noon until 3:00 p.m.

1. Members present. Robert R. Aylsworth, Mary Beth Bonaventura, John Jay Boyce, Christopher L. Burnham, James W. Payne, Daniel L. Pflum, and Mary R. Harper, chair.
2. Staff present. Jeffrey Bercovitz and Anne Jordan provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on June 4, 2004 were approved.
4. Guests present. Betty Walton, Consultant, Division of Mental Health and Addiction, (DMHA) FSSA; Mike Wilkens, Attorney for WTHR, Channel 13 and Angie Moresky, Channel 13.
5. Pew Commission on Children In Foster Care Report. Members of the committee discussed the Pew Commission report on Children in Foster Care. Their comments included the following:
 - a. Funding issues for services for juveniles will remain even if the report's recommendations are implemented.
 - b. Helping courts with tools for consistency is good.
 - c. Specialized courts across county lines in Indiana will run into a problem – funding a placement when ordered by a court in another county. Regionalization may not be good for litigants when they have trouble traveling from one end of a county to another, let alone to a neighboring county for a court hearing.
 - d. A statewide case management system is needed to get court performance measures. Otherwise, the state must pay for the manpower to get performance statistics from a local court.
 - e. The Pew report is an alternative way to view the system. It is a blueprint for change.
 - f. ICWIS has some case aging dates and will have case plans. It may have accuracy problems, and may cost to get this information out of ICWIS. The AFCARS report to federal government may be helpful.
 - g. Screening and assessment training will be done in the fall on a collaborative basis in Porter county.
 - h. Some case managers will be housed with probation department to work on eligibility determinations.
 - i. Some courts do training for local police departments.
 - j. Juvenile court judges need to work closely with their office of family and children.
 - k. Judges need to know of best practices in the state in order to improve their own.
 - l. A specialized juvenile court is very helpful. For smaller counties, the Judicial Center can be helpful in getting alternatives for courts in smaller counties in order for the smaller counties to pick up techniques from specialized courts to deal with juvenile cases more effectively. It is hard to have a state agency dictate how courts should handle a particular case when funding is so local.

m. Courts need help in getting IV-E monies for delinquency and CHINS cases. The state could assist in maximizing federal monies.

n. Need to look more at court performance measures. Invite Jane Bisbee, FSSA to the next meeting of the committee in November to discuss information in ICWIS, which might also be useful for court performance based on the measures contained in the Pew report.

o. Jane Bisbee could also give an update on the CFSR, PIP and their quarterly update.

6. Division of Mental Health and Addictions.

a. Betty Walton, Consultant, DMHA, FSSA said a new solicitation came out on systems of care for juveniles. DMHA will make available \$50,000 for two years to 5 counties. About 42 counties have systems of care in some stage of development at this time. She reported DMHA contracts out technical assistance for the systems of care program. She distributed the newsletter for the program.

b. Betty Walton distributed a handout for Early Identification and Intervention for Children with Serious Emotional Disturbances (SED). It discussed the screening and assessment program. She said the screening program would be rolled out statewide by the end of the year. The family case manager has the screening instrument in ICWIS.

c. Betty Walton discussed development of a statewide assessment instrument for children with SED in CHINS cases. Jeffrey Bercovitz distributed information about formation of a committee by DMHA to develop this tool. Judge Payne reported M.B. Lippold would be on this committee and Judge Harper reported Amy Bauer would also be on this committee. Betty Walton explained it is a complex decision on what information should be included. Cost will be an issue on the payment of services for juveniles indicated by this instrument. Some counties use Medicaid to pay for a match if clinic services are option and some are exploring the use of the Medicaid Rehabilitation Option (MRO).

7. HEA 1194.

a. Jeffrey Bercovitz distributed a copy of HEA 1194 concerning the redaction of child death records to members of the committee.

b. Mr. Mike Wilkens, Attorney for WTHR, Channel 13 made a presentation concerning differing interpretations by courts he has encountered on the extent of redaction of relevant information is required for child death records under Indiana's new statute, HEA 1194. Mr. Wilkens said it may be unclear whether a court should exclude identifying information of a person or just exclude that person if it is not relevant to the death of a child. (e.g. siblings). He said one judge held a hearing on what was relevant information for redaction. Other issues he has seen include whether or not the name of the child and who cared for the child should be redacted; not knowing when a file is sent from the Division of Family and Children (DFC) to the court, which files from the Division are being sent to a court; and whether a child died in foster care due to injuries sustained in a previous case while in the care of another and CPS history which may be relevant to a child's death; and the length of time after their request for the file from DFC to get that file to the court for redaction.

c. The statute requires records made confidential by any state or federal law (e.g. FERPA, HIPAA...) could not be released. Committee members said judge are not likely to know all of the federal ns state confidentiality laws. The committee speculated disclosure handled by one central office rather than individual courts would provide consistency in disclosures and specialized knowledge of federal and state confidentiality laws. Committee members asked what should occur if two courts in a county have juvenile jurisdiction - which court should redact the record; and how Administrative Rule 9 affects this new law. Committee members agreed the legislature needs to clarify this new law.

d. Jeffrey Bercovitz distributed various pleadings in a class action lawsuit filed by the ICLU to enjoin the use of HEA 1194 by chief probation officers to prevent them from running criminal record checks before courts could make certain placements. Committee members said the email from Jenny Bauer was a good heads up to this lawsuit. It would be helpful to have a more comprehensive outline of the situation, distribute that information to the county attorney, juvenile court judge and chief probation officers.

8. Other.

a. Jeffrey Bercovitz distributed the Executive Summary of the Commission on Child Abuse and Neglect final report, and distributed the August minutes of the Commission on Juvenile Law.

b. Jeffrey Bercovitz reported Angel software, an intranet program is available for use by the committee. Committee members agreed to try this program. He agreed to ask Lindsey Borschel to train the committee on the use of the program.

c. Jeffrey Bercovitz distributed recent newspaper articles concerning juveniles to members of the committee.

9. Next meeting dates. Committee members agreed to meet again on the following dates: November 5, 2004, January 7, 2005, February 4, 2005, March 4, 2005, May 6, 2005, and June 3, 2005; all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law